

REMARKS

Claims 1-25 are pending in the application.

Claims 1-25 have been rejected.

Claims 1, 11 and 20 have been amended, as set forth herein.

New Claim 26 has been added.

I. REJECTION UNDER 35 U.S.C. § 101

Claims 20-25 were rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. Applicant has amended independent Claim 20 to remove the term “operable.” Accordingly, the Applicant respectfully requests withdrawal of the § 101 rejection of Claims 20-25.

II. REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-9, 11-18 and 20-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wellner (US Patent No. 6,628,767) in view of Tarnanen (US Patent Application Publication No. 2004/0199649). The rejections are respectfully traversed.

Upon further review of Wellner, Applicant has amended independent Claims 1, 11 and 20 to remove the previously introduced limitation “the one or more instant messages communicated in a Session Initiation Protocol (SIP) format.” Applicant respectfully submits that Wellner fails to disclose or describe “instant messages” as described in Applicant’s specification and understood by persons of ordinary skill in the art.

Wellner is directed to a web browser display console that identifies the current speaker on a conference call. Wellner, Abstract. The customer equipment 15 of a conference call participant includes a PC web browser 29 with a Java applet 31 therein. Wellner, Figure 1. The Java applet **opens an HTTP connection** to a conference call server 37 enabling the conference call server 37 to update the web page displayed on the **web-enabled participant’s** web browser. Wellner, Col. 5, lines 53-60 (emphasis supplied) Through the open HTTP connection, the server sends display updates to the web browser. Wellner, Col. 6, lines 29-45. The system of Wellner expressly requires

that an open HTTP connection be maintained in order to provide web browser page display updates. See, Wellner, Col. 6, lines 45-46. In any event, Wellner requires an established communication connection between the browser and the conference call server, and only appears to transmit updated display information (for updating the web page display) - thus identifying which of the listed participants displayed on the web page is the active speaker.¹

In distinct contrast to Wellner's "messages" which update a browser web page display through an open connection, Applicant generates and transmits an instant message to notify conference participants about significant conference call events. Notably, Wellner (Col. 9, lines 1-23) describes that text messages may be sent from one participant to another participant using the Java applet:

The active talker Java applet can also display text messages sent from any web-enabled participant to all other web-enabled participants, a subset of this group, or just to a single other participant. This capability is similar to well-known text chat applications such as IRC (Internet relay chat), MUD (multi-user dimension), **Instant messages**, and ICQ (I seek you). **The difference in this case is that this chat client is tightly integrated with the telephone conference call application**, so it does not require a separate registration, login, communications channel, or window. Participants are "logged in" to the running chat client automatically as a side effect of viewing the conference call, and they do not have to do anything more to receive chat messages. The conference call control page has an icon that indicates which of the other participants are web-enabled. Chat message senders can therefore see who is available on the call to receive text messages. **Participants do not need to pre-arrange a means to communicate with each other off-line during the conference, and they do not need to say anything to each other about their off-line communication during the conference call. This feature makes it easy for two participants to communicate with each other off-line in secrecy while they are talking to a group.** (emphasis supplied)

¹ Wellner also suggests another technique that also uses Java applets without the need for an HTML web page, if the required web browser supports updates from the web server, though this still appears to require an HTTP connection.

From this description, it is clear that Wellner's communications from the web server 37 to call participants' web browsers are not instant messages, as Wellner contemplates, describes and requires an "on-line" communication session between the server and web browser to communicate updated display information to the participants. Therefore, though Wellner's data transmitted to the web browser to update its display may arguably constitute a "message", Wellner does not describe or disclose detecting a conference call event and communicating an "instant message" about the detected event to a participant.

In addition, Wellner further requires the use of an on-going communication session and specific software application(s) to deliver the "messages" to the participants. In contrast, Applicant's use of "instant messages" allows a call conference server to send conference event notifications within an "instant message" format for real-time delivery through existing instant messaging (IM) applications (not a specialized and custom web application). Thus, Applicant's invention is distinguishable and highly beneficial over Wellner in that it does not require the conference system to make a connection to a specific device or terminals. It is much less complex to simply launch an instant message and allow the conventional IM delivery system to deliver it.

Accordingly, the Applicant respectfully requests withdrawal of the § 103(a) rejection of Claims 1-9, 11-18 and 20-24.²

III. NEW CLAIM 26

New Claim 26 has been added. Claim 26 depends from dependent Claim 4 and is newly presented. For the same reasons set forth above, Applicant respectfully submits that new Claim 26 is allowable over the cited art.

² In addition, for the same reasons set forth herein, Wellner would also fail to anticipate the pending Claims. For these same reasons, the rejection of Claims 10, 19, and 25 should be withdrawn.

IV. CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

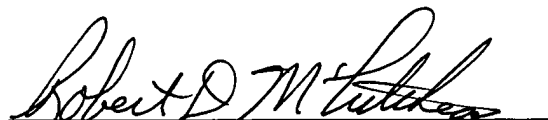
If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *rmccutcheon@munckcarter.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Munck Carter Deposit Account No. 50-0208.

Respectfully submitted,

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